

**PUBLIC CHAPTER NO. 512**

**SENATE BILL NO. 779**

**By Bunch, Raymond Finney**

**Substituted for: House Bill No. 582**

**By DuBois**

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 35, relative to a criminal defendant's suitability for a sentence other than confinement.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-35-102, is amended by adding the following sentence between the first and second sentences of subdivision (6):

However, a defendant's prior convictions shall be considered evidence to the contrary and therefore a defendant who is being sentenced for a third or subsequent felony conviction involving separate periods of incarceration or supervision shall not be considered a favorable candidate for alternative sentencing. As used in the preceding sentence, "separate periods of incarceration or supervision" means that the defendant serves and is released or discharged from a period of incarceration or supervision for the commission of a felony prior to committing another felony. But if a defendant with at least three (3) felony convictions is otherwise eligible, such a defendant may still be considered a favorable candidate for any alternative sentencing that is within the jurisdiction of and deemed appropriate by a drug court.

SECTION 2. This act shall take effect July 1, 2007, the public welfare requiring it.

**PASSED: June 7, 2007**



RON RAMSEY  
SPEAKER OF THE SENATE



JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 25th day of June 2007



PHIL BREDESEN, GOVERNOR